Unknown

From: Governor Sarah Palin (GOV sponsored) [governor@alaska.gov]
Sent: Monday, July 23, 2007 1:39 PM
To: Castle; Lillian K (GOV); Spencer; Kari L (GOV)
Subject: FW: Continuing education update

From: Richard Burg [mailto:arcadia@gci.net]
Sent: Monday, July 23, 2007 12:46 PM
To: Richard Burg
Subject: Continuing education update

To All:

Since the comments were distributed, we have been working closely with the Department of Commerce (Ginger Morton), the AELS Board (Bo Brownfield), Alaska Office of Management & Budget Director (Karen Rehfeld), the Legislative Auditor (Pat Davidson), Representative Lindsey Holmes, and many others to get the comments and to piece together the attached timeline. Below are some thoughts on this subject. According to the tentative agenda, the Board appears to be moving toward adopting mandatory CE at the next meeting.

The comments link is www.4share.com , the email address is cecomments@yahoo.com, and the password is cecomments .

The following documents are attached: 1) The June 05 report prepared by the Board's subgroup in response to Commissioner Blatchford's 2004 commitment (see link below), that rushed right through the analysis and concluded that mandatory CE was necessary; 2) The Continuing Education timeline that was prepared mostly to allow officials to more quickly understand the evolution of this issue; and 3) The tentative agenda for the upcoming Board meeting.

Your input is welcome.

MANDATORY CONTINUING EDUCATION

There are several issues that were accurately and concisely identified, in Alaska Department of Commerce & Economic Development (DCED) Commissioner Blatchford's 2004 letter attached to the legislative auditor's report (http://www.legaudit.state.ak.us/pages/audits/2005/pdf/20028rpt.pdf), as requiring further analysis prior to enacting mandatory continuing education (CE) for architects, engineers and land surveyors (AELS). These issues remain almost completely unaddressed by the Board to date. Each one is discussed below. The DCED should be required to address each issue in writing to the satisfaction of the Governor and OMB to make sure that the DCED has thought through the downstream impacts of this proposed unfunded mandate and documented the costs and benefits. This report should be submitted by the DCED because it doesn't appear that the Board has the resources to accomplish this analysis. The Board can, however, provide valuable input. Further action on enacting mandatory CE should be halted until something like the above described analysis is done.

Apparently, the State can impose such a mandate for whatever reason it chooses. However, it seems like poor public policy to impose a new regulatory requirement without a thorough review of the costs and benefits. To date, the DCED has stated that there will be no costs and that the primary benefit is that Alaskan licensee regulation would be in alignment with some states. This argument that does little to justify the proposed action.

Below are the six issues addressed by Commissioner Blatchford. Commentary has been added for each one.

1. Perceived administrative burden to registrants

Compliance with mandatory CE would require record keeping, submission of records for periodic audit, and possible adjudication of conflicts with the Board. Noncompliance related issues could result in licensees having to deal with efforts by the DCED to revoke one's license.

2. Concern of availability of courses

Several licensees commented that those working in remote locations would not have access to courses. Also, implicit in the concept of course availability is the availability of affordably priced courses.

Should the DCED believe that it is very important for licensees to participate in CE, the State of Alaska might consider offering a large number and variety of online classes of the sort that would yield CE credits without making participation mandatory. There are numerous such courses that could be made available at little or no cost. Such a helpful and positive approach would sit much better with licensees and might actually help enhance the DCED's mission with regard to occupational regulation.

3. Costs to registrants to comply,

Some registrants would have their compliance costs reimbursed by their employer. Many would not. Since it appears that mostly formal – i.e. vendor provided – CE would count, the cost of AELS services will rise. Employers will raise their fees. Unreimbursed employees will have to eat the cost, essentially taking a cut in pay.

Also underlying the concern with the cost of mandatory CE was the approximate doubling of fees at the last renewal. Upon request for justification, a spreadsheet was sent out summarizing the cost of administering the AELS registration program and dividing the cost by the number of registrants. No effort was offered to further justify these costs. "They are what they are". The statutes seem to find this explanation is adequate.

It is recommended that you read the comments of DOT/PF Commissioner Leo von Sheben, P.E. to get his views on the cost issue and the subject of mandatory CE in general. There are clearly a conflicts between the position of DOT/PF and that of the DCED.

4. Staff time to implement and oversee a regulatory CE program

We have been "assured" by the DCED that there are sufficient resources available to implement a CE program without a need to increase the staff. This seems pretty far fetched based on the statute's auditing requirements and the inevitable disputes that will arise. These tasks will be added to the existing staff burden. It is not apparent that mandatory CE will in any way reduce staff burden, but rather will increase it.

Unless the enactment of mandatory CE was a done deal in advance, one might conclude that staff time limitations may have led to virtually NO interaction occurring with licensees or consumers of AELS services in the decision to proceed with mandatory CE or the drafting of the language for this mandate. It appears that the Board relied almost exclusively on input from professional societies (who sell CE) and other states. Until the notice was delivered in February, many licensees had no idea that this action was being contemplated. Many still have no idea WHY it is being proposed for enactment.

5. Expected drop off in registrants deciding not to renew

Many licensees would likely drop their registration should mandatory CE be enacted. As noted in Item 3 above, it appears that the cost of administering mandatory CE (which we think will be greater than the Department's estimate of $0) will be distributed among a smaller group, thereby requiring higher license fees. These costs are usually marked up and passed on to the government and/or private clients. Economics generally dictates that increasing costs decreases demand – not good for licensees!

6. No demonstrated correlation between design professional's performance with mandatory CE and those not submitting to a mandatory CE program.

No evidence has been presented to indicate that a licensee who participates in a mandatory CE program demonstrates improved performance. No effort is made by DCED to define the types of problems that could supposedly by solved by mandatory CE.

Unknown

From: Perry, Kristina Y (GOV) [kris.perry@alaska.gov]
Sent: Monday, July 23, 2007 6:41 PM
To: Mason; Janice L (GOV); fek9wnr@yahoo.com; gov.sarah@yahoo.com
Cc: Perry; Kristina Y (GOV); Tibbles; Michael A (GOV); Nizich; Michael A (GOV); Wheeler; Gary R (DPS)
Subject: RE: Scheduling

Janice,

I apologize for not letting you know sooner; since the mid east return changed to 3pm, Gary made a reservation for the Governor to return to Anchorage from DC Thursday evening. I only know that she will depart at 5:30pm and arrive mid-evening on thurs. I've copied Gary for details.

-----Original Message-----

From: "Mason, Janice L (GOV)" <janice.mason@alaska.gov>

To: "fek9wnr@yahoo.com" <fek9wnr@yahoo.com>; "gov.sarah@yahoo.com" <gov.sarah@yahoo.com>

Cc: "Perry, Kristina Y (GOV)" <kris.perry@alaska.gov>; "Tibbles, Michael A (GOV)" <mike.tibbles@alaska.gov>; "Nizich, Michael A (GOV)" <mike.nizich@alaska.gov>

Sent: 7/23/2007 6:10 PM

Subject: Scheduling

Todd – Thanks for the telephone call this morning. Here is an outline of the Governor's schedule for the end of July, August, and September that is scheduled to date. Mike Tibbles, Mike Nizich, Kris Perry and I will be going over the scheduling requests for August on Wednesday, 07.25.07.

JULY - Confirmed as of Monday, 07.23.07

July 26 – Governor to DC @ 5:00 p.m. –

July 27 – Governor to ANC – landing @ approx. 12:00 noon

4:00 -5:00 p.m. Palmer Picnic @ Palmer Depot

4:30 – 7:00 p.m. Wasilla Picnic @ Iditapark

July 28 – 1:00 – 4:00 p.m. Anchorage Picnic @ Parkstrip

July 29 – Tent: Delta Junction Fair

July 30 – Anchorage

July 31 – 10:00 – 11:00 a.m. – Governor to meet w/Kate Troll, Exec. Dir., AK Alliance & group (10), Balash, Comm, Irwin, Comm., Comm. Hartig (this meeting was requested by Ms. Troll directly to the Governor this spring).

11:00 – 11:30 a.m. – Governor to meet w/Marcus Peacock (EPA Deputy Secretary) – EPA Courtesy Meet.

2:00 – 2:30 p.m. – Governor to meet w/Mayor Whitaker & Mayor Cottle, Perry – Meeting requested by both mayors.

AUGUST – Confirmed as of Monday, 07.23.07

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1:34 p.m. – Governor and Willow, Commercial Air to Juneau arrive approx. 3:18 p.m.

4:30 p.m. – Governor and the National Weekly Reception @ the Mansion.

Aug. 2 – 1:00 – 2:00 p.m. – Governor to meet w/Enbridge Executives, COS, Balash, Comm. Irwin, Marty Rutherford – Alaska gasline (they have new things to bring to the table).

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Aug. 5 - Anchorage

Aug. 6 - 6:00 p.m. Anchorage - FYI: Reception for Pandemic Flu Exercise Participants (Captain Cook)

Aug. 7 - 9:00 a.m. - Opening Remarks - Exercise Global Tempest

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Aug. 9, 10, 11

Aug. 12 - 20 - Palin Family Vacation blocked out on calendar. Note: 08.17 - Grand Opening Bruces' Chevron.

Aug. 21 - Wasilla First Day of School

Aug. 22 - Juneau First Day of School

August 23 - Palmer State Fair -

Aug. 28 - Cabinet Meeting

Aug. 31 - Alaska Judicial Council Superior Court Judge Vacancy Appointment Deadline Today.

SEPTEMBER - Items on Calendar as of July, 23, 2007

Sept. 2-4 - FYI 2008 RNC in St. Paul, MN

Sept. 3 - Labor Day

Sept. 6 - FYI RGA Health America in Las Vegas, NV

Sept. 23 - FYI IOGCC New Orleans Meeting

Under separate email I will include you in the regrets list that I have updated for the Governor through July. Please let me know if there is anything that I can do to make this process go more smoothly for all involved and I will keep you up to date on scheduling, regretting, etc. We have lots of invitations per day coming in. The ones that you see right now are the ones that are actually confirmed on the calendar. I do have a report that can be run that shows all incoming requests if you would like to see that. It usually runs 18-25 pages per month. Thanks, Janice

Unknown

From: Hogan, Bill [/O=HSS/OU=JNU1PO/CN=DMH/CN=RECIPIIENTS/CN=BHOGAN]
Sent: Monday, July 23, 2007 6:12 PM
To: 'marnold@acsalaska.net'; Hogan; William H (HSS)
Cc: Palin; Sarah H (GOV); 'rep_max_gruenberg@legis.state.ak.us'; 'Ombudsman@legis.state.ak.us'; 20080515kkjackson_A; Jarvey; Mark A (HSS); Wielechowski; Bill (LAA)
Subject: Re: Problems with state licensing

Dear Mr. Arnold thank you for sharing your concerns. I understand your frustration. I will work with our staff in the Certification and Licensing Unit to resolve these issues as quickly as possible. Sincerely, Bill Hogan

-----Original Message-----

From: marnold@acsalaska.net <marnold@acsalaska.net>

To: Bill Hogan <bill_hogan@health.state.ak.us>

CC: Sarah Palin <sarah_palin@gov.state.ak.us>; Max Gruenberg <rep_max_gruenberg@legis.state.ak.us>; Linda Lord-Jenkins <Ombudsman@legis.state.ak.us>; Karleen Jackson <karleen_jackson@health.state.ak.us>; Jarvey, Mark A <mark_jarvey@health.state.ak.us>; Bill Wielechowski <senator_bill_wielechowski@legis.state.ak.us>

Sent: Mon Jul 23 17:10:31 2007

Subject: Problems with state licensing

Unknown

From: Frye, Ivy J (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=IJFRYE]

Sent: Monday, July 23, 2007 10:00 AM

To: mike_tibbles@gov.state.ak.us; gov.sarah@yahoo.com

Cc: janice_mason@gov.state.ak.us

Subject: Juneau Superior Court nominees

We received five nominations on Tuesday, July 17th from the Alaska Judicial Council for the Superior Court vacancy left by Judge Larry Weeks. Governor Palin has 45 days to make an appointment. The deadline is Friday, August 31st. We can set up interviews on August 2nd or 3rd when Governor Palin is in town if this works.

I've begun soliciting recommendations from legal minds and others and will have them compiled this week (WAR, Lowenfels, Anders, Joe Miller, Paulette, Budd Simpson, Ben Brown, JNU delegation, Cathie Roemmich, Ginger and Rick Urion, Bill Gordon, John Mackinnon Annette Kreitzer, Talis, Malcom etc.)

Susan Cox is 50 yrs old and an Alaska resident for 24 years. She graduated from UC Davis Law School in 1982. Currently an assistant DA in JNU (civil division). We received letters from Talis Colberg, Justice Carpenneti (she clerked for him and has appeared in his court during her career), Chuck Kopp. She was unanimously nominated. She's active in Tongass Alaska Girl Scouts, Love Inc., and sings in the Chapel by the Lake choir.

Keith Levy is 50 yrs old and an Alaska resident for 20 years. He graduated from Santa Clara University in 1982. He's currently a District Court Judge in JNU. Dave Jones (helped with the ethics bill) and Richard Postma (appointed to ANC District Court by Governor Palin) have endorsed him. He was not sent unanimously—Chuck Kopp was a "no" vote. He was previously in private practice (civil litigation) and was an asst AG (general civil litigation).

Robert Meachum is 52 yrs old and an Alaska resident for 28 years. He graduated from Northeastern University in 1981. He's a life long public defender (1986 to present). In January, 2007 he received the David B. Snyder Award, recognizing excellence among Alaska's public defenders (there was an article in the Juneau Empire). He was not sent unanimously—Doug Bailey was a "no" vote (Doug is Landa Bailey's husband and a former AG).

Phillip Pallenberg is 45 yrs and an Alaska resident for 23 years. He graduated from the University of Washington in 1981. He's currently a part time US Magistrate and in private practice part-time. He was sent unanimously by the Judicial Council. He serves on the Alaska Bar Association, has a wife and an infant son. He clerked for Justice Carpenetti and he sent a letter of support. He always has 1 pro bono domestic violence or sexual assault case open. He has applied twice before for a judge position in Juneau (one time he was nominated, one time he wasn't). Budd and Paulette Simpson, and Chuck Kopp like Pallenberg.

Anthony Sholty is 56 yrs old and an Alaska resident for 31 years. He graduated from UCLA in 1976 and has been in private practice for 30 years. He is been with Faulkner Banfield since 1998. He is a shareholder of the firm and an employed lawyer. Previously he was an associate and then a partner for 20 years in Faulkner, Banfield, Doogan and Holmes. His firm has received several pro bono awards including a lifetime achievement award. He's a member of the Juneau Alliance for Mental Health. He was not sent unanimously—Robert Grossclose, a Bar appointment to the Council, was a "no" vote.

Ivy Frye
director of boards and commissions
office of governor sarah palin
ivy.frye@alaska.gov
Office (907) 465-3934
Fax (907) 465-8110

Unknown

From: John Katz [jwkatz@ALASKADC.org]
Sent: Monday, July 23, 2007 3:51 AM
To: gov.palin@yahoo.com
Subject: Welcome

Welcome to DC and have a good trip to the Mideast.

I know that our troops will be most appreciative of your coming. If you need any further help from here, please let me know.

Unknown

From: Mason, Janice L (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=JLMASON]

Sent: Monday, July 23, 2007 6:11 PM

To: fek9wnr@yahoo.com; gov.sarah@yahoo.com

Cc: Perry; Kristina Y (GOV); Tibbles; Michael A (GOV); Nizich; Michael A (GOV)

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From: Frye, Ivy J (GOV) [/O=SOA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=IJFRYE]

Sent: Monday, July 23, 2007 12:21 PM

To: mike_tibbles@gov.state.ak.us; gov.sarah@yahoo.com

Subject: Arts Council

I talked with Ben Brown and he gave me the following description of the function of the Arts Council. The Council does manage the 1% public art program. Wanted to pass this on since you asked last week. Thanks.

The Alaska State Council on the Arts is a State agency that fosters the development of the arts for all Alaskans through education, partnerships, grants and services [our formal mission statement]. Every state and territory has an arts council of some sort, all of which were founded in response to Congress's creating the National Endowment for the Arts about 40 years ago. The Alaska State Council is a granting agency, distributing funds received mostly from the Alaska Legislature and NEA to arts organizations and individual artists. These range from small grants to help artists advance their careers and help small organizations have community workshops to larger ones that help organizations like Perseverance Theatre and Valley Performing Arts provide enriching artistic acivities in their communities.

The Council manages the State's Contemporary Art Bank, which loans art to public offices, and the 1% for Art public-art program, which builds art into public buildings and facilities (including the Marine Highway vessels). The Council is very interested in making sure Alaska's schoolchildren benefit from the arts in their classroom environments, and has a strong program called Artists-in-Schools which sends Alaskan artists to schools all over Alaska for one- or two-week intensive residencies that teach the children new artistic skills and also instructs teachers in how to integrate arts into more classroom activities. The Alaska State Council on the Arts also serves as a resource for local arts agencies (like the Juneau Arts & Humanities Council) so these closer-to-home arts organizations can foster a high level of all sorts of arts (literary, visual, performing) in each Alaskan community. One other activity is the Silver Hand Program, which helps authenticate Alaska Native art to prevent fraud and to augment the economic vitality of this uniquely Alaskan commodity.

Ivy Frye
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Byers, Gail Y (LAW)

From: marnold@acsalaska.net
Sent: Monday, July 23, 2007 5:11 PM
To: Hogan; William H (HSS)
Cc: Palin; Sarah H (GOV); Max Gruenberg; Linda Lord-Jenkins; 20080515kkjackson_A; Jarvey; Mark A (HSS); Wielechowski; Bill (LAA)
Subject: Problems with state licensing
Importance: High

NEW CONCEPT
ASSISTED LIVING HOMES
4516 Mountain View Drive, Anchorage, AK. 99508
Phone: 907.274.1661 Fax: 274.5566
Email: marnold@acsalaska.net

July 23, 2007

To: Bill Hogan
DHSS Deputy Commissioner
Re: Records and Licensing Department

I would like to address a problem with records and licensing, this being the amount of time it takes to get a provisional clearance for a new hire employee in assisted living, and costs associated with these delays.

On 6/18/07 an application was submitted for a new employee (initials V.C.) and to date do not have a provisional clearance. When we call licensing all they say is that they are waiting for paperwork from another agency. We have 4 employees at this location so 1 person of this is 25% of my workforce, which has to be covered by the other employees as overtime. Let me explain the costs to us due to this failure of a timely clearence:

1. Background fee, CPR training, and TB tine test.		$100.00
2. 4 weeks of overtime pay.		$960.00
3. 24 hours new hire training		$264.00
	TOTAL	**$1,324.00**

The reason I included new hire training is because, Friday the employee called and said she couldn't wait any longer and had found another job, so the above figures are not correct. This is because we will spend the next 2 to 3 weeks looking for a new employee, training and certifying that person. This will just increase my overtime costs to already tired employees.

This is not an isolated incident. Since this program has started 2 years ago, only 10 to 20% of our applications have been completed on time (48 hours), all the rest have taken at least 5 to 20 days. I have had discussions with some other homes and they are having the same problems, will provide you the names if requested. Assisted Living homes are 24 hour operations, I believe that the homes in Anchorage have at least 20 to 30 people doing overtime, due to the failure of licensing issuing timely clearances. We can't afford this as we haven't even had a pay increase since the year 2000, and is also wearing out our other employees, because we can't put an employee on the shift till they have clearance.

When I call licensing some of the excuses I get are: We are shorthanded, and we are overwhelmed with applications. The problem is that this has been the same excuse since they opened 2 years ago. Is it ever going to be fixed? Prior to this system, we had the potential employee go to the state trooper office and pull a name check and return it to us. We would then check it against the barrier crime list, and then if there were an issue with it we would call

licensing. **THIS PROCEDURE TOOK ABOUT 20 MINUTES. This is the same data being used now, why the delay?**
My suggestion for change is that it be mandated that we have to be given yes or no clearance within 5 days or an exact explanation why not (no we're waiting) so the homes can consider other options. It is time the state stands up and takes responsibility for it's lack of action and the strain it is putting on the assisted living community.

Please inform me if you intend to fix this problem and when or where I have to go for corrective action.

Sincerely,

Mark T. Arnold
Owner

CC:

Sarah Palin
AK. Governor

Karleen Jackson
HSS Commissioner

Bill Wielechowski
AK. State Senator

Max Gruenberg
AK. State Represenitive

Linda Lord-Jenkins
AK. State Ombudsmen